

LOWENSTEIN SANDLER PC
Attorneys at Law
65 Livingston Avenue
Roseland, New Jersey 07068
973.597.2500
Attorneys for Defendant
Bankrate, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Civil Action No. 07-3398
Hon. Esther Salas, U.S.D.J.

**NOTICE OF MOTION TO
DISMISS PURSUANT TO FED.
R. CIV. P. 12(B)(6)**
Oral Argument Requested

PLEASE TAKE NOTICE that on February 21, 2012 at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendant Bankrate, Inc. shall move before the Honorable Esther Salas, U.S.D.J., for entry of an Order granting Defendant's Motion to Dismiss the First, Second, Third, and Fifth Claims For Relief (except as to LendingTree LLC) in the Fifth Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) against Plaintiff BanxCorp, Defendants shall rely on the enclosed Defendant's Brief in Support of its Motion to Dismiss Portions of the Fifth Amended Complaint With Prejudice, the Declaration of R. Scott Thompson, Esq., and any reply brief to be submitted.

PLEASE TAKE FURTHER NOTICE that Defendant requests oral argument if opposition to this motion is submitted.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

/s/ R. Scott Thompson
R. Scott Thompson
LOWENSTEIN SANDLER PC
Attorneys at Law
65 Livingston Avenue
Roseland, New Jersey 07068
973.597.2500
Attorneys for Defendant

Dated: January 18, 2012